

**RESOLUTION AUTHORIZING THE REJECTION AND REBIDDING OF
CONTRACT BID 15003 FOR THE EDLY'S LANE PUMP
STATION BY-PASS PROJECT.**

WHEREAS, on February 17, 2015 the Township Council of the Township of North Brunswick approved Resolution 82-2.15 authorizing the advertisement for receipt of bids for the Edly's Lane Pump Station By-Pass project; and

WHEREAS, the Deputy Municipal Clerk witnessed the receipt of four (4) bids on February 17, 2015 with the apparent lowest responsible bidder being submitted by KMETZ, Inc. of East Brunswick, New Jersey; and

WHEREAS, April 6, 2015 the Township Council of the Township of North Brunswick adopted a resolution authorizing the award of Contract Bid 15003 to KMETZ, Inc. for the Edly's Lane Pump Station By-Pass project; and

WHEREAS, the second lowest bidder, Sub Level Installations, Inc. challenged the award of Contract Bid 15003 to KMETZ, Inc. for the Edly's Lane Pump Station By-Pass Project by way of Order to Show Cause filed in the Superior Court of New Jersey, Law Division, Middlesex County; and

WHEREAS, on May 8, 2015, the return date of the Order to Show Case, the Honorable Travis L. Francis, A.J.S.C., ruled that KMETZ bid on the project was materially deficient and determined that it needs to be rejected based upon their failure to name an electrical subcontractor for the project; and

WHEREAS, Judge Francis also ruled that the Township of North Brunswick through its Mayor and Township Council may, in the exercise of its reasonable discretion reject all bids it received for the Edly's Lane Pump Station By-Pass Project and re-bid the project; and

WHEREAS, it has been determined by legal counsel that the apparent second lowest bidder, Sub Level Installation Inc.'s bid was also materially deficient for failure to comply with the bid specification requirements regarding the submission of a consent of surety from a surety authorized to do business in the State of New Jersey and also authorized by the Federal Government pursuant to the bid specifications; and

WHEREAS, the apparent third and fourth lowest bidders bid submissions are outside the range of the estimated costs for the project as provided by the Township Engineers, CME Associates.